

REMARKS/ARGUMENTS

Claims 1-11, 13-15, 18-20 and 32-43 are pending.

Double Patenting Rejection

In the Office Action, the Examiner rejected claims 1-11, 13-15, 18-20 and 32-43 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent No. 6,395,303. The Examiner stated that the conflicting claims are not patentably distinct from the '303 patent "because each claims a process for making a pharmaceutical formulation comprising microcrystalline cellulose, an augmenting agent, and similar pharmaceutical actives."

In response, Applicants respectfully submit that upon notification by the Examiner that the pending claims are otherwise allowable, Applicants will file a terminal disclaimer.

IV. CONCLUSION

This Response is being submitted together with a Request for Continued Examination (RCE) and an Information Disclosure Statement. A check in the amount of \$770.00 is enclosed for the RCE fee. It is believed that no additional fees are due at this time. However, if any additional fees are due or if any fees have been overpaid, the Commissioner for Patents is hereby authorized to charge said fees or credit any overpayment to Deposit Account No. 50-0552.

An early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____

Cary S. Kappel
Reg. No. 36,561

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
(212) 736-1940